

AUG 23 2004 12:45 PM FR

TO 915712730661

P.02

SPE O  
James Wilson

571-273-0661

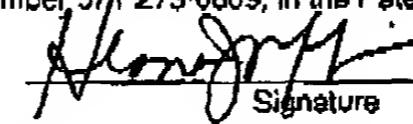
Response Under 37 CFR §1.116  
Expedited Procedure  
Examining Group 1624

CASE ORT 1396

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed, 7 pages total) is being facsimile transmitted to Hong Liu in Group 1624, to FAX number 571-273-0669, in the Patent and Trademark Office on the date shown below.

Hesna J. Pfeiffer  
Type or print name



Signature

July 7, 2004  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**IN RE APPLICATION OF**

**BREITENBUCHER ET AL.**

**APPLICATION NO: 09/820,438**

**FILED: March 29, 2003**

**FOR: PHENYL-SUBSTITUTED INDOLES AND INDAZOLES**

**MS: After Final**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL REJECTION**  
**AND REQUEST FOR RECONSIDERATION AND**  
**PETITION FOR EXTENSION OF TIME**  
**AND AUTHORIZATION TO CHARGE**  
**DEPOSIT ACCOUNT THEREFOR**

Sir:

This is in response to the Final Rejection dated March 25, 2004; response to which is due on July 25, 2004, with one-month's extension. An appropriate extension of time request for one (1) month, until July 25, 2004, is enclosed.

Review of Applicant's' remarks, entry of the amendment, and reconsideration of the rejection is respectfully requested. In the alternative, the Examiner is respectfully requested to enter the papers for the purposes of appeal.

Under the provisions of Rule 116 and MPEP 714.12, the following response, being filed by facsimile transmission, which is believed to respond fully to the issues raised in the Final Rejection, is requested to be entered. Review of this amendment by the Examiner will not present any unreasonable burden, or necessitate an additional search. The Patent Examiner is respectfully requested to reconsider the rejection in light of the amendments and arguments contained herein and allow the claims and pass the case to issue. The amendments contained herein could not have been earlier presented. Applicants have reviewed the rejection and their application and believe that the arguments herein presented are responsive to the rejection and place the case in condition for allowance.

**Amendments to the Claims** are reflected in the listing of the Claims, which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

**Amendments to the Claims:**